

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 DANIEL DAVID COURSON, } Civil No.08cv0871 JAH (LSP)
11 Plaintiff, }
12 v. }
13 COCHRAN, SAN DIEGO SHERIFF'S }
14 DEPUTY, ESPINOZA, SAN DIEGO }
15 SHERIFF'S DEPUTY, }
Defendants. }

16 Plaintiff seeks appointed counsel to assist him in prosecuting this civil rights action
17 filed pursuant to 42 U.S.C. § 1983. Generally, a plaintiff in a civil case has no right to
18 appointed counsel. See Hernandez v. Whiting, 881 F.2d 768, 770-71 (9th Cir. 1989);
19 United States v. 30.64 Acres, 795 F.2d 796, 801 (9th Cir. 1986). Under 28 U.S.C. §
20 1915(e)(1), however, district courts are granted discretion to appoint counsel for indigent
21 persons under “exceptional circumstances.” Terrell v. Brewer, 935 F.2d 1015, 1017 (9th
22 Cir. 1991). “A finding of exceptional circumstances requires an evaluation of both the
23 ‘likelihood of success on the merits and the ability of the plaintiff to articulate his claims
24 *pro se* in light of the complexity of the legal issues involved.’ Neither of these issues is
25 dispositive and both must be viewed together before reaching a decision.”” Id. (quoting
26 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)).

27 Although Plaintiff demonstrates his indigent status, he fails to explain how the
28 complexity of his action prevents him from articulating his claims *pro se*, and provides no

1 discussion of the likelihood of success on the merits of his action. As such, the Court finds
2 Plaintiff fails to demonstrate exceptional circumstances to support appointment of counsel.

3 Accordingly, IT IS HEREBY ORDERED Plaintiff's motion for appointment of
4 counsel is **DENIED without prejudice.**

5 DATED: August 18, 2008

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7 JOHN A. HOUSTON
8 United States District Judge

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